S.B.Cr.Misc. Bail App. No. 5446/2007
(Prakash Vs. State of Rajasthan)

Date of order : 14/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Amitabh Acharya, for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Mr. R.J.Punia for the complainant.

Heard learned counsel for the petitioner and the Public Prosecutor for the State as also counsel appearing for the complainant. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that the deceased died because of scarcity of water in the body and heat as has been stated in the FIR after consuming liquor. It is further contended that similarly situated co-accused Sona Ram has been granted bail by Co-ordinate Bench of this Court vide order dated 25.6.2007 and the case of the present petitioner is not distinguishable from that of the co-accused Sona Ram.

Having regard to the facts and circumstances of the case and the fact that similarly situated co-accused has been granted bail, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Prakash S/o Pancharam be released on bail in FIR No. 205/07 P.S. Kotwali, district Pali provided he executes a personal bond for a sum of Rs. 20,000/- with two sound

and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP